

READING 3—WEEK 4.

Online Judging and Extended Courts.

The first video of this course outlined the bare bones of the classic liberal conception of **access to justice**, the idea that there should be courts that can resolve disputes. Let's just think about that for a moment. That definition sounds a lot like the Oxford English Dictionary concept of a court, which is "[a] body of people presided over by a judge" or secondly "[t]he place where a court meets".

This is not particularly revolutionary, and we will need revolutionary thinking to solve some of the thorny and difficult access to justice issues discussed earlier. On this point we refer to Professor Richard Susskind, the preeminent writer on access to justice and technology, President of the Society for Computers and Law, for answers.

Professor Susskind observes that there is a backlog of 100 million cases in Brazil and 30 million in India that prevent citizens of those countries from achieving access to justice. In his 2019 book, "**Online Courts and the Future of Justice**", he argues that technology can provide two solutions: online judging and extended online courts.

The first idea, "ONLINE JUDGING", involves the determination of cases by human judges working in non-traditional ways outside of the traditional courtroom. Legal papers could be filed online, judges would give their judgments via online platforms and parties would appear by video, audio or real-time chat. It may not be necessary to have hearings with all parties present at once, and there may be no physical space in which some of the attendees are gathered.

The second concept is the "EXTENDED ONLINE COURT", in which **artificial intelligence** would guide people through the litigation process, helping them to understand the law and their legal position, and, where appropriate, helping them to come to an agreed settlement with their opponent. This is very radical because it involves broadening our conception of what a court is and does.

Technology has afforded a number of possibilities for governments and activists to help people access justice in disruptive ways. I will briefly outline one such initiative.

Have you ever tried to apply for social security payments from your government? During a period of unemployment, I had to request a government allowance for job seekers and found that burdensome and difficult.

India experiences a number of the access to justice problems that we spoke about in the first lesson. Many people lack the ability to apply for the entitlements that they are owed by the government. These entitlements often relate to funding that would provide people in extreme poverty with enough money to pay for healthcare or food. Even where people have the ability to understand their entitlements and apply for them, many Indians live in rural areas far detached from the major urban centres in which the processing of government benefits takes place. As such, many are cut off from vital resources. **In light of this problem, Aniket Doegar founded the organisation Haqdarshak Empowerment Solutions.** Haqdarshak have created an online platform that shows people which benefits they are entitled to, and then supports them through the process of applying for them.

At the time of recording this video, Haqdarshak [have helped over 125,000](#) Indian citizens to receive benefits. They also employ women across the country as advocates to represent the individual applicants in these cases, increasing literacy levels amongst women and providing a stable income for over 150 full-time employees.

Aniket is essentially delivering a solution that engages with Professor Susskind's notion of the extended online court, by digitising processes that often require legal assistance. His efforts and those of other non-governmental organisations and activists across the world help to make inroads into the 4 billion people that are prevented from bettering their lives because poverty prevents them from feeling the benefits of the Rule of Law. But governments also have a role to play in all of this. We will explore that in the next Reading.

POST made by me on his LinkedIn Page, Sunday the 18th day of July 2021 at 3.54 am.

Dear Professor Susskind. 2 years after your Publication, we here in Trinidad and Tobago have made use of your futuristic thinking to achieve a measure of Access To Justice, that would have been impossible in the State of Emergency declared by our Government almost 3 months now in July 2021. Sincere thanks for your guidance to our Judicial System.